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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/698,793	10/27/2000	Bruce D. Melick	P04254US1	6695

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EXAMINER	
HAMILTON, MONPLAISIR G	

ART UNIT	PAPER NUMBER
2135	14

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/698,793

Applicant(s)

MELICK ET AL.

Examiner

Monplaisir G Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 11-20 and 35-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-6, 8, 11-20 and 35-40, 42 and 44-47 is/are rejected.
- 7) ☐ Claim(s) 4, 7, 41, 43 and 45-47 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1-8 and 11-47 remain for examination.

Response to Arguments

2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

In view of the Appeal Brief filed on 3/11/04, PROSECUTION IS HEREBY REOPENED. A new ground for rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Applicant's arguments, see Paper No. 13, filed 3/11/04, with respect to the rejection(s) of Claims 6-8, 11-16, 35, 38-44 rejected under 35 U.S.C. 102(e) as being anticipated by Jungers, Claims 1-5 rejected under 35 U.S.C. 103(a) as being unpatentable over US 4357634 issued to Chung, herein referred to as Chung further in view of US 5719555 issued to Zeytoonjian et al,

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herein referred to as Zeytoonjian, Claims 17 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over US 4357634 issued to Chung, herein referred to as Chung, Claim 18 rejected under 35 U.S.C. 103(a) as being unpatentable over US 4357634 issued to Chung as applied to Claim 17 above, and further in view of *Data and Computer Communications* by William Stallings, herein referred to as Stallings, Claim 19 rejected under 35 U.S.C. 103(a) as being unpatentable over US 4357634 issued to Chung as applied to Claim 17 above, and further in view of US Patent 5818442 issued to Adamson, Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jungers as applied to Claim 35 above, and further in view of *Data and Computer Communications* by William Stallings, herein referred to as Stallings and Claim 37 rejected under 35 U.S.C. 103(a) as being unpatentable over Jungers as applied to Claim 35 above, and further in view of US Patent 5818442 issued to Adamson have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Jessup Jr. et al (US 5,581,706).

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 3, 5-6, 8, 11-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Jessup Jr. et al (US 5,581,706).

Referring to Claim 1:

Jessup discloses a method for providing a structured linear database adapted for storage in a machine readable storage medium comprising:

providing a linear file allocation table including a field name for one or more subdivisions of data and pulse start and end position information for each of the field names (col 6, lines 10-20); and

providing a data portion which includes the data corresponding to each field in a predetermined position corresponding to the start and end position information in the file allocation table for each field (col 6, lines 15-30); and

associating the linear file allocation table and the data portion in a pulse position encoded transmission (col 4, lines 10-25col 6, lines 45-55).

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Referring to Claim 2:

Jessup discloses the limitations as discussed in Claim 1 above. Jessup further discloses a routing header portion and a tailbit portion with the linear file allocation table and the data portion (col 5, lines 20-30).

Referring to Claim 3:

Jessup discloses the limitations as discussed in Claim 1 above. Jessup further discloses the structured linear database is transmitted over a telecommunications network (col 1, lines 1-20).

Referring to Claim 5:

Chung and Zeytoonjian disclose the limitations as discussed in Claim 1 above. Chung further discloses the structured linear database is transmitted over a fiber optics system (col 14, lines 40-50; col 15, lines 30-40).

Referring to Claim 6:

Jessup discloses a method of transmitting data from a master to a user, the method comprising: understanding the type of data to be transmitted from the master (col 4, lines 15-25); accessing the data stored by the master; creating one or more fields corresponding to the type of data to be transmitted (col 5, lines 25-30); writing a linear file allocation table giving the name of the field and location within a transmission at which the field contents start and stop (col 6, lines

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1-15); transmitting the linear file allocation table to a user; and transmitting the data from the master to the user at the location indicated in the linear file allocation table (col 13, lines 35-45).

Referring to Claim 8:

Jessup discloses the limitations as discussed in Claim 6 above. Jessup further discloses the transmission occurs using a fiber optic system (col 1, lines 5-20; col 2, lines 55-65).

Referring to Claim 11:

Jessup discloses the limitations as discussed in Claim 6 above. Jessup further discloses repeating the transmitting of the linear file allocation table to a user; and repeating the transmitting of the data from the master to the user at the location indicated in the linear file allocation table such that both the linear file allocation table and the data are stored on a transmission system (col 1, lines 10-20).

Referring to Claim 12:

Jessup discloses the limitations as discussed in Claim 6 above. Jessup further discloses the transmitting occurs at a high rate of speed (col 1, lines 10-20).

Referring to Claim 13:

Jessup discloses the limitations as discussed in Claim 6 above. Jessup further discloses the transmitting is highly secure (col 1, lines 10-20).

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Referring to Claim 14:

Jessup discloses the limitations of Claim 6 above. Jessup further discloses transmitting data from a master to a user of claim 6 wherein the transmitting is done wirelessly (col 1, lines 10-20).

Referring to Claim 15:

Jessup discloses the limitations as discussed in Claim 6 above. Jessup further discloses the data includes streaming data (col 1, lines 5-20).

Referring to Claim 16:

Jessup discloses the limitations as discussed in Claim 6 above. Jessup further discloses the data includes non-streaming data (col 1, lines 20-35).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 17, 20, 35, 38-40, 42 and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Crecine (US 6,049,806).

Referring to Claim 17:

Crecine discloses a method of providing universal data exchange, the method comprising:

organizing data into fields (col 6, lines 10-32);

identifying the fields in a file allocation table including pulse start and end information for each of the fields (Fig. 2; col 6, lines 30-32);

providing a receiving device with a driver program capable of understanding the file allocation table (col 3, lines 25-45);

transmitting the file allocation table to the receiving device (col 3, lines 25-30) and

transmitting the data fields identified in the file allocation table (col 3, lines 25-50).

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Referring to Claim 35:

Crecine discloses a method of providing universal data exchange, the system comprising: organizing data into data fields (Fig 20; col 6, lines 25-30); identifying the data fields in a linear file allocation table (topic record) (Fig 20; col 6, lines 10-25); providing a receiving device capable of understanding the linear file allocation table (col 2, lines 25-35; col 3, lines 25-35); transmitting the linear file allocation table to the receiving device; transmitting the data fields identified in the linear file allocation table without separately packetizing the data fields (col 3, lines 25-40; col 5, lines 15-20); and identifying the data fields by the receiving device according to the file allocation table (col 3, lines 20-45).

Referring to Claim 20:

Crecine discloses the limitations as discussed in Claim 17 above. Crecine further discloses the fields identified in the file allocation table are identified by reference to a standard format, which can be understood by the driver program (Fig. 20; col 3, lines 25-45).

Referring to Claim 38:

Crecine discloses the limitation as discussed in Claim 35 above. Crecine further discloses the fields identified in the file allocation table are identified by reference to a standard format understandable by the receiver device (col 6, lines 25-30).

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Referring to Claim 39:

Crecine discloses the limitation as discussed in Claim 35 above. Crecine further discloses the digitally encoded data in a public formatted structured linear database is used (col 2, lines 15-30).

Referring to Claim 40:

Crecine discloses the limitation as discussed in Claim 35 above. Crecine further discloses the digitally encoded data in a privately formatted structured linear database is used (col 2, lines 15-30).

Referring to Claim 42:

Crecine discloses the limitations as discussed in Claim 35 above. Crecine further discloses the steps of transmitting are performed over guided media (col 2, lines 55-60).

Referring to Claim 44:

Crecine discloses the limitations as discussed in Claim 35 above. Crecine further discloses the steps of transmitting use a duplex transmission method (col 5, lines 35-45).

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5. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crecine (US 6,049,806) as applied to Claim 17 above, and further in view of *Data and Computer Communications* by William Stallings, herein referred to as Stallings.

Referring to Claim 18:

Crecine discloses the limitations as discussed in Claim 17 above.

Crecine does not expressly disclose the claimed “e-mail type fields”

Stalling discloses fields are e-mail type fields (page 704, lines 1-10; page 705; lines 1-12; page 706, Table 19.7).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have an email type fields. One of ordinary skill in the art would have been motivated to do this because it would provide a mechanism for transmitting email messages (page 70, lines 1).

6. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crecine (US 6,049,806) as applied to Claim 17 above, and further in view of US Patent 5818442 issued to Adamson.

Referring to Claim 19:

Crecine discloses the limitations as discussed in Claim 17 above.

Crecine does not expressly disclose the claimed “business specific type fields”

Adamson discloses the fields are business specific type fields (Fig 6; col 5, lines 30-43).

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At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have business fields. One of ordinary skill in the art would have been motivated to do this because it would provide a mechanism for transferring business cards (col 2 lines 1-10).

7. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crecine (US 6,049,806) as applied to Claim 35 above, and further in view of *Data and Computer Communications* by William Stallings, herein referred to as Stallings.

Referring to Claim 36:

Crecine discloses the limitations as discussed in Claim 35 above.

Crecine does not expressly disclose the claimed "e-mail type fields"

Stalling discloses fields are e-mail type fields (page 704, lines 1-10; page 705; lines 1-12; page 706, Table 19.7).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have an email type fields. One of ordinary skill in the art would have been motivated to do this because it would provide a mechanism for transmitting email messages (page 70, lines 1).

8. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crecine (US 6,049,806) as applied to Claim 35 above, and further in view of US Patent 5818442 issued to Adamson.

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Referring to Claim 37:

Crecine discloses the limitations as discussed in Claim 35 above.

Crecine does not expressly disclose the claimed “business specific type fields”

Adamson discloses the fields are business specific type fields (Fig 6; col 5, lines 30-43).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have business fields. One of ordinary skill in the art would have been motivated to do this because it would provide a mechanism for transferring business cards (col 2 lines 1-10).

Allowable Subject Matter

9. Claims 4, 7, 41, 43, 45, 46, 47 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monplaisir G Hamilton whose telephone number is (703) 305-5116. The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on (703) 305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Monplaisir Hamilton


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